

MESSAGE NO: 9106205 MESSAGE DATE: 04/16/2009

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-851

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/01/2008 TO 01/31/2009

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTION FOR CERTAIN PRESERVED MUSHROOMS FROM CHINA (A-570-851); LIQUIDATE ALL FIRMS EXCEPT FUJIAN YUXING & ALL OTHERS (A-570-851-000/033).

MESSAGE NO: 9106205

DATE: 04 16 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

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CASES: A - 570 - 851

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PERIOD COVERED: 02 01 2008 TO 01 31 2009

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTION FOR CERTAIN PRESERVED MUSHROOMS FROM CHINA (A-570-851); LIQUIDATE ALL FIRMS EXCEPT FUJIAN YUXING & ALL OTHERS (A-570-851-000/033).

1. COMMERCE DOES NOT AUTOMATICALLY CONDUCT ADMINISTRATIVE REVIEWS OF ANTIDUMPING DUTY ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED PURSUANT TO SECTION 751(A)(1) OF THE TARIFF ACT OF 1930 AND IN ACCORDANCE WITH SECTION 351.213 OF COMMERCE'S REGULATIONS.

2. THE LIQUIDATION AND CASH-DEPOSIT RATES FOR FIRMS WITH A NON-MARKET ECONOMY SEPARATE RATE, FOR WHICH AN ANTIDUMPING

ADMINISTRATIVE REVIEW WAS NOT REQUESTED, WILL NOT BE REVISED FOR THIS PERIOD. THE FIRMS LISTED BELOW DO NOT HAVE A NON-MARKET ECONOMY SEPARATE RATE AND/OR ARE CURRENTLY SUBJECT TO AN ADMINISTRATIVE REVIEW FOR THE PERIOD 02/01/2008 THROUGH 01/31/2009.

THEREFORE, IN ACCORDANCE WITH SECTION 351.212(c) OF DEPARTMENT OF COMMERCE REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION FOR ALL FIRMS EXCEPT THOSE LISTED BELOW AT THE CASH-DEPOSIT OR BONDING RATE IN EFFECT AT THE TIME OF ENTRY.

COMPANY: FUJIAN YUXING FRUIT & VEGETABLE FOODSTUFF
DEVELOPMENT CO. LTD.

CASE NUMBER: A-570-851-033

COMPANY: PRC-WIDE RATE

CASE NUMBER: A-570-851-000

3. NOTE THAT ALL ENTRIES UNDER CASE NUMBERS A-570-851-001 THROUGH A-570-851-042, DURING THE PERIOD 02/01/2008 THROUGH 01/31/2009 (WITH THE EXCEPTION OF CASE NUMBER A-570-851-033), SHOULD BE LIQUIDATED AT THE CASH-DEPOSIT OR BONDING RATE IN EFFECT AT THE TIME OF ENTRY BECAUSE ALL OF THOSE FIRMS HAVE SEPARATE RATE STATUS, AND NO REVIEW WAS REQUESTED FOR THEM FOR THE PERIOD.

4. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION.

5. ENTRIES OF MERCHANDISE OF THE EXCLUDED FIRMS LISTED ABOVE SHOULD NOT BE LIQUIDATED UNTIL YOU RECEIVE SPECIFIC INSTRUCTIONS AFTER COMPLETION OF THE RESPECTIVE NEW SHIPPER REVIEWS FOR THE SUB-PERIODS IDENTIFIED.

6. THE NOTICE OF LIFTING OF SUSPENSION OF LIQUIDATION FOR ENTRIES OF SUBJECT MERCHANDISE FOR THE FIRMS NOT EXCLUDED ABOVE, DURING THE PERIOD 02/01/2008 THROUGH 01/31/2009,

OCCURRED WITH THE PUBLICATION OF THE NOTICE OF INITIATION OF ADMINISTRATIVE REVIEW FOR THE (02/2009) ANNIVERSARY MONTH (74 FR 12310, 03/24/2009).

FOR ALL OTHER SHIPMENTS OF CERTAIN PRESERVED MUSHROOMS FROM THE PEOPLE'S REPUBLIC OF CHINA, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES AT THE CURRENT CASH DEPOSIT RATES OR PER-UNIT AMOUNTS.

7. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES.

THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

8. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY.

IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION.

ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT

STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O7:SB).

10. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party